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Paper No. 14

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JUN 22 2000

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In re Application of :

Kim Chang, et al.

Application No.: 09/042,951

Filed: March 17, 1998

For: ENHANCED METHOD AND SYSTEM
FOR PROGRAMMING A MOBILE
TELEPHONE OVER THE AIR WITHIN
A MOBILE TELEPHONE
COMMUNICATION NETWORK

DECISION ON PETITION TO
MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102, filed May 9, 2000, to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

A grantable petition under 37 C.F.R. § 1.102(d), M.P.E.P. § 708.02, item II: Infringement, must be accompanied by the required fee and a statement alleging:

- (1) that there is an infringing device or product actually on the market or method in use;
- (2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Further, Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition is **GRANTED**.

The application will retain its special status throughout its entire course of prosecution in the Patent and Trademark Office, including appeal, if any to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. It is noted that a final Office action was mailed on March 10, 2000. The application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance.

The application file will be forwarded to the examiner for expedited prosecution.

Kenneth A. Wieder

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